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9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 CHARLES HAYES ,

13 Plaintiff,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.

16 Defendants.

Case No.: 2:20-cv-02048-KJD-BNW

**STIPULATION TO EXTEND
DISCOVERY
(Second Request)**

17
18 Defendants Las Vegas Metropolitan Police Department, Joseph Lombardo, Jennifer
19 Wood, and Doris Hearrington (collectively “LVMPD Defendants”), and Plaintiff Charles Hayes
20 stipulate and agree to extend the expert disclosure deadlines in this case by thirty days for the
21 purpose of allowing the parties to conduct depositions and additional written discovery before
22 having to disclose experts and reports.

23 **I. DISCOVERY COMPLETED TO DATE**

24 The parties exchanged initial Rule 26 Disclosures and first supplemental disclosures.

The parties have served Interrogatories, Requests for Production of Documents, and Requests for Admissions. LVMPD Defendants responded to Plaintiff's written discovery requests; and Plaintiff responded to LVMPD Defendants' written discovery requests on October 29, 2021. Plaintiff has agreed to supplement several discovery requests—mainly concerning information on Plaintiff's damages and treating providers. Plaintiff issued a subpoena to the Clerk of Court for Las Vegas Justice Court to gather records on Plaintiff's criminal proceedings in Nevada.

II. DISCOVERY YET TO BE COMPLETED

Plaintiff intends to depose officials with the Las Vegas Metropolitan Police Department and one official with Kern County, California about events at issue in this case; and LVMPD Defendants intend to depose Plaintiff. LVMPD Defendants are currently communicating with the LVMPD officials to schedule their depositions in early January 2022.

Aside from this case pending before the Court, Plaintiff has brought two lawsuits in California against Kern County and several of its municipal officials. These California cases revolve around the same extradition at issue in this Nevada case. Discovery in these California cases recently reopened, which may impact the exchange of discovery in this Nevada case in terms of document productions and officials subject to depositions.

Based on information in discovery responses and depositions, the parties intend to retain experts and exchange preliminary expert reports.

III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

Local Rule 26-3 states in relevant part:

A motion or stipulation to extend a deadline set forth in a discovery plan must be received by the court no later than 21 days before the expiration of the subject deadline. A request made within 21 days of the subject deadline must be supported by a showing of good cause. A request made after the expiration of the subject deadline will not be granted unless the movant also demonstrates that the failure to act was the result of excusable neglect.

1 Here, this Stipulation comes before the expiration of a deadline sought to be extended, so only
2 good cause must support the request.

3 Good cause exists for the requested extension based on Plaintiff and Defendants'
4 counsels' efforts to identify and locate witnesses, named defendants, and persons most
5 knowledgeable on topics of booking, internal procedures, and extraditions at CCDC. Counsels'
6 efforts resulted in identifying several municipal officials who Plaintiff intends to depose in this
7 case. Now, Plaintiff has expressed an intent to depose several officials in early January 2022.
8 To ensure that the parties have a sufficient basis of evidence and disputed facts before having to
9 retain and disclose experts, additional time is need from the current expert disclosure deadline
10 governing this case.

11 Additionally, Plaintiff is currently detained at the Clark County Detention Center. The
12 detention prevented Plaintiff's counsel from responding to all discovery requests on a quicker
13 schedule, and his detention has made communications with counsel more difficult.

14 Last, counsel for Plaintiff has a busy calendar within the next month—including trials,
15 depositions, trial preparation, and deadlines in other matters—and this busy calendar is the same
16 as Defendants' counsel.

17 In sum, this request for an extension is made in good faith and joined by all the parties.
18 Trial is not yet set in this matter and dispositive motions have not yet been filed. Accordingly,
19 this extension will not delay the resolution of this case on its merits. Since this request is a joint
20 request, neither party will be prejudiced.

21 **IV. PROPOSED EXTENDED DATES**

22 The parties respectfully request that the Court enter an order to extend dates in the current
23 Scheduling Order, (ECF No. 31), as follows:

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Experts and Rebuttal Experts.

The current deadline for the parties to disclose expert reports is Monday, January 10, 2022, and disclose rebuttal experts is Wednesday, February 9, 2022.

The parties request an extension of these deadlines by thirty days—making Wednesday, February 9, 2022, the deadline to disclose experts; and Friday, March 11, 2022, the deadline to disclose rebuttal experts.

Dated this 20th day of December, 2021.

Dated this 20th day of December, 2021.

/s/ Na'Shaun L. Neal

/s/ Lyssa S. Anderson

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Counsel for Plaintiff

IT IS SO ORDERED.

Dated this 21st day of December, 2021.


UNITED STATES MAGISTRATE JUDGE